

HOUSE BILL No. 1428

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-44-2-5.

Synopsis: Unlawful manufacture or sale of police insignias. Makes it unlawful manufacture or sale of a police insignia, a Class D felony, for a person to knowingly or intentionally manufacture, sell, or offer for sale: (1) an official badge or a replica of an official badge that is used by a law enforcement agency of the state or a political subdivision of the state; or (2) a document that purports to be an official employment identification that is used by a law enforcement agency of the state or a political subdivision of the state; without the written permission of the chief executive officer of the law enforcement agency. Makes the offense a: (1) Class C felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to commit the offense of impersonation of a public servant; and (2) Class B felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to commit an offense involving weapons of mass destruction.

Effective: July 1, 2009.

Tincher, Duncan

January 13, 2009, read first time and referred to Committee on Veterans Affairs and Public Safety.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1428

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-44-2-5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 5. (a) A person who knowingly or intentionally**
4 **manufactures, sells, or offers for sale:**

5 (1) **an official badge or a replica of an official badge that is**
6 **used by a law enforcement agency of the state or a political**
7 **subdivision of the state; or**

8 (2) **a document that purports to be an official employment**
9 **identification that is used by a law enforcement agency of the**
10 **state or a political subdivision of the state;**
11 **without the written permission of the chief executive officer of the**
12 **law enforcement agency commits unlawful manufacture or sale of**
13 **a police insignia, a Class D felony.**

14 (b) **However, the offense described in subsection (a) is a:**

15 (1) **Class C felony if the person commits the offense with the**
16 **knowledge or intent that the badge or employment**
17 **identification will be used to further the commission of an**



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1 offense under IC 35-44-2-3; and

2 (2) Class B felony if the person commits the offense with the
3 knowledge or intent that the badge or employment
4 identification will be used to further the commission of an
5 offense under IC 35-47-12.

6 (c) It is a defense to a prosecution under subsection (a)(1) if the
7 area of the badge or replica that is manufactured, sold, or offered
8 for sale as measured by multiplying the greatest length of the
9 badge by the greatest width of the badge is:

10 (1) less than fifty percent (50%); or

11 (2) more than one hundred fifty percent (150%);

12 of the area of an official badge that is used by a state law
13 enforcement agency as measured by multiplying the greatest length
14 of the official badge by the greatest width of the official badge.

15 SECTION 2. [EFFECTIVE JULY 1, 2009] IC 35-44-2-5, as added
16 by this act, applies only to offenses committed after June 30, 2009.

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